

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

CONFERENCE COMMITTEE ON SENATE AMENDMENTS TO HOUSE BILL 283

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on April 11, 2003 at
9:00 A.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Rep. Daniel Fuchs, Vice-Chairman (R)
Sen. Dan McGee (R)
Rep. Joe Balyeat (R)
Rep. Larry Jent (D)

Members Excused: Sen. Debbie Shea (D)

Members Absent: None.

Staff Present: Mary Vandembosch, Legislative Branch
Mari Prewett, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion
are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 283, 4/8/2003
Executive Action:

REP. FUCHS stated that in light of the Defenders of Wildlife stating they were going to file litigation on the delisting of wolves, they should take another look at the bill. He went on to say that he wanted to talk with the Department and see if they had any suggestions or if they would prefer that he accept the amendments and move forward.

SEN. SPRAGUE asked **REP. FUCHS** if he was concerned about what the Wildlife Federation had planned. **REP. FUCHS** stated that they had assumed that litigation was going to hold up delisting, and that was how the bill had come about.

Mary Vandenbosch, Legislative Services, informed the Committee that she had a news release from the Defenders of Wildlife stating what their intentions were and is attached as Exhibit 1. **Ms. Vandenbosch** summarized the news release for the Committee's benefit. She concluded by saying that the release was a Notice of Intent and the suit would be filed at a later date.

EXHIBIT (cch78sb0283a01)

SEN. SPRAGUE asked if anyone from the Defenders of Wildlife was present. There was no response.

Chris Smith, Chief of Staff, Fish, Wildlife and Parks, stated that he was not surprised as they had fully expected litigation. He then explained the three district population segments (DPS). He continued, saying that the responsibility of recovering wolves and eliminating the threat of extinction had been met in the eastern and western districts. As a result they were proposing to immediately begin delisting of the wolves in those areas and, therefore, they could turn regulation of the wolves over to the states.

REP. FUCHS asked Bob Lane if it had been Congress' intent, that if the reintroduction plan negatively impacted the economies, the reintroduction plan would be ended immediately. He further asked if those involved wanted him to accept the Senate amendments and move the bill forward.

Bob Lane, Chief Legal Counsel, Department of Fish, Wildlife and Parks, stated that he did not have any specific knowledge of Congress' intent. He went on to say that he thought they were talking about the experimental nonessential element of the reintroduction efforts, which was different. He continued that they were dealing with the delisting of wolves, so they could have state management overall. He concluded that the issue remaining for them, was getting to the point of delisting.

REP. FUCHS stated that he would like information regarding their legal position made available to the Legislature, especially the Fish, Wildlife and Parks Committees.

Mr. Lane replied that he felt the bill, in its present form, did direct the Department and the Attorney General to analyze the options related to delisting. He went on to say that he felt the bill was doing exactly what they were asking to be done. He continued that the bill was expressing the Legislature's desire for a proactive response from Fish, Wildlife and Parks and the Attorney General's Office in terms of their legal options. **Mr. Lane** stated that it was time that they were prepared for litigation and they needed to preserve the State's documentation. He concluded by saying they needed to move delisting along as fast possible and he felt the bill would help.

REP. FUCHS remarked that it saddened him that they needed legislation to find out what their legal options were. **Mr. Lane** responded that their legal options were straight forward and they needed to move delisting along as fast as possible. He continued, saying that they needed to advance the State's interest and defend against any possible restraining orders that could be issued.

SEN. SPRAGUE asked Chris Smith if it was possible for them to be pro-active instead of re-active should they be involved in litigation, and a restraining order were in place, in instituting a hazing policy until the final outcome of the case. **Mr. Smith** responded that due to the reclassification rule, the wolves had been downlisted from endangered to threatened, therefore, the Fish and Wildlife Service had more flexibility to allow hazing of the wolves.

SEN. SPRAGUE asked Mr. Smith if the public was aware that wolves had been downlisted to threatened rather than endangered. **Mr. Smith** replied that they had begun to work with landowners and they were being responsive.

SEN. MCGEE and Mr. Smith discussed what help, if any, could be expected from the Attorney General's Office in defending any litigation brought by Environmentalists. They further discussed the possibility of a countersuit being brought forth.

REP. FUCHS asked if there had been any communications with Idaho or Wyoming's Attorney Generals or Departments. **Todd O'Hare, Natural Resource Policy Advisor to the Governor**, stated that they had not had any formal conversations.

REP. JENT suggested several options and how they related to the bill.

Motion: **REP. JENT** moved TO ACCEPT THE HB 283 AS AMENDED BY THE SENATE.

Discussion:

John Bloomquist, Montana Stockgrowers Association, spoke in support of the bill and reiterated **REP. JENT'S** comments.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 29.4}

Todd O'Hair, Governor's Office, stated that he felt they were on the right track.

SEN. SPRAGUE, Mary Vandebosch, REP. JENT and **REP. JENT** discussed whether or not a letter should be drafted to the Attorney General's Office asking for his support. They went on to discuss the language to be used in the letter.

Vote: **SEN. SPRAGUE** moved that HB 283 BE ADOPTED AS AMENDED.
Motion carried 6-0 by voice vote with **SEN. SHEA** and **REP. BALLYEAT** voting aye by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 5.2}

ADJOURNMENT

Adjournment: 9:38 A.M.

SEN. MIKE SPRAGUE, Chairman

MARI PREWETT, Secretary

DF/MS/MP

EXHIBIT (cch78sb0283aad)